

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No. 17-cv-136 (RHK/FLN)
)
v.)
)
)
KLEINBANK,)
)
Defendant.)
)

DECLARATION OF CHRISTOPHER D. BELEN IN CONNECTION WITH
JOINT MOTION REGARDING CONTINUED SEALING (ECF NO. 43)

I, Christopher D. Belen, pursuant to 28 U.S.C. § 1746, do hereby declare as follows:

1. I am more than eighteen years of age, and I am employed as a trial attorney with the Civil Rights Division of the U.S. Department of Justice.
2. I have personal knowledge of the matters set forth in this Declaration, and, if called to testify, I could testify to the matters stated herein.
3. As part of my duties as a trial attorney with the Civil Rights Division's Housing and Civil Enforcement Section, I have been assigned litigation responsibilities for the above-captioned case.
4. On September 29, 2017, the parties filed a Joint Motion Regarding Continued Sealing (ECF No. 43).

5. An Appendix was attached to that Joint Motion – “Appendix A” – which identified the specific statements in the parties’ filed briefs that the United States contends are improperly redacted and sealed.

6. The Joint Motion provided the United States space to identify the reason(s) why portions of materials currently under temporary seal should or should not remain sealed. The format of the Joint Motion allowed for citations to the portions of the documents at issue. However, many of the statements at issue are phrases or sentences, they appear throughout two briefs filed by KleinBank, and there are instances of multiple redactions on a single page. Therefore, to minimize confusion or unnecessary disputes, counsel for the United States created Appendix A to identify the actual, specific language that it argues have been improperly redacted and sealed.

7. Because Appendix A, as filed on September 29, 2017, in part quoted language that is currently redacted and sealed, those portions should be redacted and sealed until the Court resolves the pending question of whether and which materials should remain redacted and sealed.

8. Therefore, I am submitting a true and correct version of Appendix A for the Court’s consideration in connection with the Joint Motion Regarding Continued Sealing (ECF No. 43). In accordance with the Court’s Local Rules and procedures, I will file separately (a) a redacted version of Appendix A to be publicly available and (b) an unredacted version of Appendix A under seal.

9. Counsel for KleinBank does not object to filing the documents in this manner.

Executed on this 4th day of October, 2017, in

Washington, DC.



CHRISTOPHER D. BELEN